



Printer's Error
January 28, 2014

HOUSE BILL No. 1318

DIGEST OF HB 1318 (Updated January 28, 2014 1:30 pm - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 20-46; IC 36-2; IC 36-4; IC 36-5.

Synopsis: Various election law matters. Adds a definition of "de minimis change" for voting systems, and creates a process for the review and approval of these changes for voting systems used in Indiana. Specifies how a voter can cast a ballot using a "sip puff device" on a voting system that combines features of both an optical scan ballot and a direct record electronic voting system. Transfers dates regarding the late registration of military and overseas voters. Permits the Indiana election division or a county election board to use electronic mail to forward a filing confirmation to a candidate who provides an electronic mail address declaration of candidacy. Specifies declaration of candidacy requirements for school board candidates and economic interest statement requirements for candidates to fill a vacancy in a school board office. Provides that a candidate for a local judicial office is not required to file a statement of economic interests. Makes changes regarding the content of the certificate of nomination
(Continued next page)

Effective: Upon passage; January 1, 2014 (retroactive); July 1, 2014.

Richardson

January 15, 2014, read first time and referred to Committee on Elections and Apportionment.
January 28, 2014, amended, reported — Do Pass.

HB 1318—LS 6955/DI 75



Digest Continued

prepared to document the nomination of candidates by certain conventions conducted by a political party entitled to nominate candidates by convention. Specifies requirements and procedures for a petitioner requesting a recount of a vote on a public question. Amends the schedule for conducting a special election on the public question of changing a town to a city or the incorporation of a proposed town. Adds the office of secretary of state and the office of census data to the list of state and county entities to be notified of the incorporation of a town. Delays, until elections held after January 1, 2016, the requirement that a candidate who currently holds the office of township assessor must attain the certification of a level three assessor-appraiser. Adds and corrects cross-references. Eliminates the term "paster" in an election statute. Repeals obsolete provisions concerning certificates of error and the delivery of voter registration applications by certified mail.

HB 1318—LS 6955/DI 75



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1318

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-16.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 16.3. (a) "De minimis change" with respect**
4 **to a certified voting system's hardware, refers to a change to the**
5 **hardware, the nature of which will not materially alter the system's**
6 **reliability, functionality, capability, or operation.**
7 **(b) For a hardware change to qualify as a de minimis change,**
8 **the change must:**
9 **(1) maintain, unaltered, the reliability, functionality,**
10 **capability, and operability of a system; and**
11 **(2) ensure that when hardware is replaced, the original**
12 **hardware and the replacement hardware are electronically**
13 **and mechanically interchangeable and have identical**
14 **functionality and tolerances.**
15 **(c) The following are not de minimis changes:**
16 **(1) Software and firmware modifications.**

HB 1318—LS 6955/DI 75



(2) The change has reasonable and identifiable potential to affect the system's operation and compliance with applicable voting system standards.

SECTION 2. IC 3-6-6-39, AS AMENDED BY P.L.194-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not eighteen (18) years of age or older.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter but is not required to be a registered voter of the county.

(b) An individual appointed to a precinct election office or assistant under this section,

~~(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and~~

~~(2) while serving as a precinct election officer or assistant:~~

~~(A) (1) is not required to obtain an employment certificate under IC 20-33-3; and~~

~~(B) (2) is not subject to the limitations on time and duration of employment under IC 20-33-3.~~

SECTION 3. IC 3-7-16-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A designated individual may use any of the following methods to transmit voter registration applications or declinations under section 27 or 28 of this chapter:



(1) Hand delivery to the circuit court clerk or board of registration.

(2) ~~Certified Delivery by the United States Postal Service, using first class mail. return receipt requested.~~

(3) Electronic transfer, after approval by the commission.

SECTION 4. IC 3-7-18-21, AS AMENDED BY P.L.42-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. A designated individual may use any of the following methods to transmit voter registration applications or declinations under section 19 of this chapter:

(1) Hand delivery to the ~~circuit court clerk or board of county~~ voter registration office.

(2) ~~Certified Delivery by the United States Postal Service, using first class mail. return receipt requested.~~

(3) Electronic transfer, after approval by the commission.

SECTION 5. IC 3-7-36-10, AS AMENDED BY P.L.225-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The county voter registration office shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the ~~tenth~~ eighth day before the election.

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

SECTION 6. IC 3-7-36-14, AS AMENDED BY P.L.219-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

(1) beginning on the ~~ninth~~ seventh day before election day; and

(2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period applicable to the voter under this chapter and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:



(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the ~~tenth~~ **eighth** day before election day, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the ~~tenth~~ **eighth** day before election day, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

- (1) Complete an application for an absentee ballot.
- (2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

- (1) Certify in writing that the voter registered under this section.
- (2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

SECTION 7. IC 3-7-40-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 8. When notified by a local public official or plan commission under section 3 of this chapter, the county voter registration office shall, as soon as practicable, amend the entry for the voter in the computerized list under IC 3-7-26.3 to be consistent with the information submitted under section 3 of this**



chapter.

SECTION 8. IC 3-7-48-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. In a county with a board of registration, the circuit court clerk or board of registration shall promptly transmit all certificates of error to the board of registration.~~

SECTION 9. IC 3-8-1-23.6, AS ADDED BY P.L.146-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 23.6. (a) ~~A person who runs in an election after June 30, 2008, candidate~~ for the office of township assessor under IC 36-6-5-1 **who runs in an election after June 30, 2008,** must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) ~~A person who runs in an election after January 1, 2012, candidate~~ for the office of township assessor under IC 36-6-5-1 **who:**

(1) did not hold the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) **A candidate for the office of township assessor under IC 36-6-5-1 who:**

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

SECTION 10. IC 3-8-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) ~~Not more later than the close of one (1) business day after a person files a declaration of candidacy in the office of the election division or circuit court clerk, the election division or circuit court clerk shall send a statement to the candidate by:~~

~~(1) hand deliver delivery;~~

~~(2) first class United States mail; or~~

~~(3) electronic mail.~~

~~to the candidate (or mail to the candidate at the address listed in the declaration) a statement showing~~

(b) The election division or circuit court clerk shall send the statement (or a scanned copy of the statement, if the statement is sent by electronic mail) to the mailing address or electronic mail address set forth in the declaration of candidacy.

(c) The statement must show the following:

(1) That the candidate has filed a declaration.



(2) The name of the candidate.

(3) The office for which the ~~declarant~~ **individual** is a candidate.

(4) The date on which the declaration was filed.

SECTION 11. IC 3-8-2.5-2, AS AMENDED BY P.L.194-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A candidate for a school board office must file a petition of nomination in accordance with ~~IC 3-8-6~~ **this chapter** and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate may be nominated for a school board office by petition of voters who are:

(1) registered to vote at the residence address set forth on the petition on the date ~~the county voter registration office certifies~~ the petition **is certified** under ~~section 5~~ of this chapter; and

(2) qualified to vote for the candidate.

(c) The petition of nomination must be signed by the number of voters required for the school board office under IC 20-23 or IC 20-25.

(d) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

SECTION 12. IC 3-8-2.5-2.5, AS ADDED BY P.L.194-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) A petition of nomination for a school board office must state all of the following:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The address of each candidate, including the mailing address, if different from the residence address of the candidate.

(3) The school board office that each candidate seeks.

(4) That each petitioner is a qualified registered voter and desires to be able to vote for the candidates listed on the petition.



(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9 referred to in clause (A).

The candidate must separately sign the statement required by this subdivision.

(3) A statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(4) A statement indicating whether or not each candidate:

(A) has been a candidate for state, legislative, local, or school board office in a previous primary, **municipal, special,** or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(5) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(6) Any statement of economic interests required under IC 3-8-9.

SECTION 13. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~Either the chairman and secretary of a state convention or~~ **This section applies to a state convention conducted by a political party described by IC 3-8-4-1.**

(b) The state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon July 15 before the general election.

~~(b)~~ (c) The certificate must **be in writing and** state the following:

(1) **The name of each candidate nominated as:**

(A) **the candidate wants the candidate's name to appear on the ballot; and**

(B) **the candidate's name is permitted to appear on the**



ballot under IC 3-5-7.

(2) Each candidate's residence address.

~~(1)~~ **(3)** Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

~~(2)~~ **(4)** That the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

~~(c)~~ **(d)** The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information near the separate signature required by subsection ~~(b)(2)~~: **(c)(4)**:

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

~~(d)~~ **(e)** A certificate of nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's certificate of nomination.

(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.

SECTION 14. IC 3-8-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) This section applies to a county, city, or town convention conducted by a political party described by IC 3-8-4-1.**

(b) A certificate of nomination by convention or primary election



must satisfy all of the following:

- (1) Be in writing.
- (2) Contain all of the following information for each person nominated:
 - (A) The name of each person nominated as:
 - (i) the person wants the person's name to appear on the ballot; and
 - (ii) the person's name is permitted to appear on the ballot under IC 3-5-7.
 - (B) Each person's residence address.
 - (C) The office for which each person is nominated.

~~(3) Designate a title for the political party or principle that the convention or primary election represents, together with a simple figure or device by which its lists of candidates may be designated on the ballot.~~

~~(4) (3) Be signed by the chairman and secretary of the convention, or by the chairman and secretary of the state, county, city, or town committee, who shall also give their respective places of residence and acknowledge the certificate before an officer authorized to take acknowledgments of deeds. The certificate of acknowledgment must be appended to the certificate of nomination. an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.~~

SECTION 15. IC 3-8-9-4, AS ADDED BY P.L.90-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 8, 2014 (RETROACTIVE)]: Sec. 4. **(a) This section does not apply to a candidate for either of the following:**

- (1) Judge of a circuit, superior, probate, or small claims court.**
- (2) Prosecuting attorney of a judicial circuit.**

(b) A candidate for a local office or school board office shall file a written statement of economic interests as provided in this chapter.

SECTION 16. IC 3-8-9-5, AS AMENDED BY P.L.194-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. An individual required to file a statement under section 4 of this chapter shall file the statement as follows:

- (1) With the individual's:
 - (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
 - (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;
 - (C) certificate of nomination under IC 3-10-2-15 or IC 3-10-6-12;



- 1 (D) statement consenting to be a replacement candidate under
 2 IC 3-8-6-17;
 3 (E) declaration of intent to be a write-in candidate under
 4 IC 3-8-2-2.5; or
 5 (F) certificate of candidate selection under IC 3-13-1 or
 6 IC 3-13-2.

7 (2) When the individual assumes a vacant elected office under
 8 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, ~~or~~ IC 3-13-11, **or**
 9 **IC 20-23-4-30**. A statement filed under this subdivision must be
 10 filed not later than noon sixty (60) days after the individual
 11 assumes the elected office.

12 SECTION 17. IC 3-10-1-14.1, AS AMENDED BY P.L.194-2013,
 13 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 14.1. (a) All the candidates for each office
 15 who have qualified in the manner prescribed by IC 3-8 for placement
 16 on the primary election ballot shall be grouped together under the name
 17 of the office and printed in type with uniform capital letters, with
 18 uniform space between each name. At the head of each group, a
 19 statement reading substantially as follows must be placed immediately
 20 below the name of the office and above the name of the first candidate:
 21 "Vote for not more than (insert the number of candidates to be
 22 nominated) candidates for this office."

23 ~~(b) This subsection does not apply to a candidate for a political party~~
 24 ~~office. A candidate's given name and surname as set forth in the~~
 25 ~~candidate's voter registration record shall be printed in full.~~

26 ~~(e)~~ **(b)** In addition to the candidate's given name and surname, the
 27 candidate may use:

- 28 (1) initials; or
 29 (2) a nickname by which the candidate is commonly known;
 30 if the candidate's choice of initials or nickname does not exceed twenty
 31 (20) characters. Any nickname used must appear in parentheses
 32 between the candidate's given name and the candidate's surname.

33 ~~(d)~~ **(c)** A candidate may not use a designation such as a title or
 34 degree or a nickname that implies a title or degree.

35 ~~(e)~~ **(d)** A candidate's name must be printed on the ballot exactly as
 36 the name appears on the candidate's certificate of nomination, petition
 37 of nomination, or declaration of candidacy.

38 SECTION 18. IC 3-11-7-15, AS AMENDED BY P.L.221-2005,
 39 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 15. (a) A vendor may apply for approval of a
 41 proposed improvement or change to a ballot card voting system that is
 42 currently certified by the commission. A proposed improvement or



change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the proposed improvement or change to the voting system and **the results of the testing by the independent laboratory under subsection (c) and** report the results of the review to the commission. The review must indicate **whether the proposed improvement or change:**

(1) ~~whether the proposed improvement or change~~ has been approved by an independent laboratory accredited under 42 U.S.C. 15371; ~~and~~

(2) ~~whether the proposed improvement or is a de minimis change~~ **or a modification;**

(3) **if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and**

(4) would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has approved the application for an improvement or change **(including a de minimis change)** to a ballot card voting system, the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified under section 19(a) of this chapter.

SECTION 19. IC 3-11-7.5-5, AS AMENDED BY P.L.221-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A vendor may apply for approval of a proposed improvement or change to an electronic voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.



(b) An application for approval of an improvement or a change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the improvement or change to the voting system and **the results of the testing by the independent laboratory under subsection (c) and** report the results of the review to the commission. The review must indicate **whether the proposed improvement or change:**

(1) **whether the proposed improvement or change** has been approved by an independent laboratory accredited under 42 U.S.C. 15371; **and**

(2) **whether the proposed improvement or is a de minimis change or a modification;**

(3) **if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and**

(4) **would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.**

(e) After the commission has examined and approved the application for an improvement or change to an electronic voting system **(including a de minimis change)**, the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified by section 28(a) of this chapter.

SECTION 20. IC 3-11-7.5-7, AS AMENDED BY P.L.221-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The commission may not approve the marketing, sale, lease, installation, or implementation of an electronic voting system unless the system meets the specifications in sections 8 through ~~19~~ **18** of this chapter and in IC 3-11-15.

SECTION 21. IC 3-11-7.5-19 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. ~~19~~: ~~An electronic voting system must have the frame in which the ballot label is placed constructed with a transparent protective sheet in order that the names cannot be mutilated or altered.~~

SECTION 22. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005,



SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by marking the connectable arrows, circles, ovals, or squares immediately beside:

(A) the candidates' names; or

(B) the numbers referring to the candidates; and

(2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:

(A) the word "yes" or "no" under the question; or

(B) the number referring to the word "yes" or "no" on the ballot.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:

(1) the circle enclosing the device; or

(2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). The voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

(d) This subsection applies to a voter casting a ballot on a voting system that includes features of both an optical scan ballot card voting system and a direct record electronic voting system. After entering into a booth used with the voting system, the voter shall indicate the candidates for whom the voter desires to vote and the voter's preference on each public question by:

(1) inserting a paper ballot or an optical scan ballot into the voting system; or

(2) using headphones to listen to a recorded list of political parties, candidates, and public questions.

(e) A voter using a voting system described in subsection (d)



1 may indicate the voter's selections by:

- 2 (1) touching a device on or in the squares immediately
 3 adjacent to the name of a political party, candidate, or
 4 response to a public question; or
 5 (2) indicating the voter's choices by using a sip puff device
 6 that enables the voter to indicate a choice by inhaling or
 7 exhaling.

8 SECTION 23. IC 3-11-14-3.5, AS AMENDED BY P.L.194-2013,
 9 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 3.5. (a) Each county election board shall have the
 11 names of all candidates for all elected offices, political party offices,
 12 and public questions printed on ballot labels for use in an electronic
 13 voting system as provided in this chapter.

14 (b) The county may:

- 15 (1) print all offices and public questions on a single ballot label;
 16 and
 17 (2) include a ballot variation code to ensure that the proper
 18 version of a ballot label is used within a precinct.

19 (c) Each type of ballot label ~~or paster~~ must be of uniform size and
 20 of the same quality and color of paper (except as permitted under
 21 IC 3-10-1-17).

22 (d) The nominees of a political party or an independent candidate
 23 or independent ticket (described in IC 3-11-2-6) nominated by
 24 petitioners must be listed on the ballot label with the name and device
 25 set forth on the certification or petition. The circle containing the
 26 device may be of any size that permits a voter to readily identify the
 27 device. IC 3-11-2-5 applies if the certification or petition does not
 28 include a name or device, or if the same device is selected by two (2)
 29 or more parties or petitioners.

30 (e) The ballot labels must list the offices and public questions on the
 31 general election ballot in the order listed in IC 3-11-2-12,
 32 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
 33 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
 34 IC 3-11-2-14(d). Each office and public question may have a separate
 35 screen, or the offices and public questions may be listed in a
 36 continuous column either vertically or horizontally.

37 (f) The name of each office must be printed in a uniform size in bold
 38 type. A statement reading substantially as follows must be placed
 39 immediately below the name of the office and above the name of the
 40 first candidate:

- 41 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 42 elected to the office.



(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.



(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the party order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

- (1) placed on the ballot label; or
- (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that



permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 24. IC 3-11.5-4-9, AS AMENDED BY P.L.271-2013, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll list used at a polling place or vote center is immediately updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter.

(b) Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

(1) Mark the poll list.

(2) Attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list.

The poll clerks shall sign the statement printed on the certificate indicating that the inspector marked the poll list and attached the certificates under this section in the presence of both poll clerks to indicate that the absentee ballot of the voter has been received by the county election board.

(c) The inspector shall then deposit:

(1) the certificate prepared under section 1 of this chapter;

(2) the certificate prepared under section 8 of this chapter; and

(3) any challenge affidavit executed by a qualified person under section ~~16~~ 15 of this chapter;



1 in an envelope in the presence of both poll clerks.

2 (d) The inspector shall seal the envelope. The inspector and each
3 poll clerk shall then sign a statement printed on the envelope indicating
4 that the inspector or poll clerk has complied with the requirements of
5 this chapter governing the marking of the poll list and certificates.

6 (e) The couriers shall immediately return the envelope described in
7 subsection (c) to the county election board. Upon delivering the
8 envelope to the county election board, each courier shall sign a
9 statement printed on the envelope indicating that the courier has not
10 opened or tampered with the envelope since the envelope was delivered
11 to the courier.

12 SECTION 25. IC 3-11.5-4-16, AS AMENDED BY P.L.271-2013,
13 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 16. (a) If an absentee ballot is challenged
15 under section 15 of this chapter, the absentee voter's application for an
16 absentee ballot shall be considered as the affidavit required to be made
17 by a voter when challenged at the polls while voting in person.

18 (b) Except as provided in subsection (c), the challenge procedure
19 under this section is the same as though the ballot was cast by the voter
20 in person.

21 (c) An absentee voter is not required to provide proof of
22 identification.

23 ~~(d) This subsection does not apply to a county that:~~

24 ~~(1) has adopted an order to use an electronic poll list under~~
25 ~~IC 3-7-29-6; or~~

26 ~~(2) is a vote center county under IC 3-11-18.1.~~

27 ~~If a proper affidavit by a qualified person in the form required by~~
28 ~~IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if~~
29 ~~the absentee voter had personally appeared, the couriers shall return the~~
30 ~~affidavit to the county election board in the same envelope as the~~
31 ~~certificate returned under section 9 of this chapter.~~

32 ~~(e) (d)~~ The absentee ballot cast by the challenged voter shall be
33 counted if the county election board makes the findings required under
34 ~~IC 3-11-7. IC 3-11.7-5.~~

35 SECTION 26. IC 3-12-1-17, AS ADDED BY P.L.164-2006,
36 SECTION 125, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) This section applies only to
38 an absentee ballot sent by mail.

39 (b) Notwithstanding IC 3-11-10-14 and ~~IC 3-11.5-4-10;~~
40 **IC 3-11.5-4-7**, an absentee ballot received from an overseas voter is
41 not considered as arriving too late if both of the following apply:

42 (1) The absentee ballot envelope is postmarked not later than the



1 date of the election.

2 (2) The absentee ballot is received not later than the deadline for
3 counting provisional ballots under IC 3-11.7-5-1.

4 (c) If the postmark on the absentee ballot envelope is unclear, the
5 county election board, by unanimous vote of the entire membership of
6 the board, determines the postmark date. If the board is unable to
7 determine the postmark date, the absentee ballot may not be counted.

8 SECTION 27. IC 3-12-4-12, AS AMENDED BY P.L.221-2005,
9 SECTION 103, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than noon on the~~
11 ~~second Monday~~ After the county election board certifies the election
12 results under section 9 of this chapter, the circuit court clerk shall
13 furnish, **upon request**, to the county chairman of each political party
14 a copy of the statement.

15 SECTION 28. IC 3-12-12-1.7 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2014]: **Sec. 1.7. As used in this chapter,**
18 **"petitioner" refers to the individual voter whose name is listed first**
19 **on the petition filed under section 2 of this chapter.**

20 SECTION 29. IC 3-12-12-4 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The petition filed
22 under section 2 of this chapter must also be signed by a number of
23 voters within the election district ~~that voted on the public question~~
24 equal to at least ten percent (10%) of the voters who cast ballots on the
25 public question in the election.

26 SECTION 30. IC 3-12-12-6 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) This section does
28 not apply to a petitioner if it is determined that the result of the public
29 question is other than what was shown on the face of the election
30 returns.

31 (b) If a cash deposit was not made as required by section 5 of this
32 chapter, the ~~petitioners~~ **petitioner** shall pay to the circuit court clerk
33 within ten (10) days after the recount is completed all costs of the
34 recount.

35 SECTION 31. IC 3-12-12-13 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. On the day when
37 the order of a recount is made and entered by the court, the circuit court
38 clerk shall send a certified copy of the order by certified mail to the
39 ~~first name on each petition filed under section 2 of this chapter~~
40 **petitioner** at the address stated in the petition. The clerk shall charge
41 the cost of mailing the order to each petitioner.

42 SECTION 32. IC 3-12-12-17 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) After a recount
 2 is ordered under section 9 of this chapter, the recount commission shall
 3 convene at a place fixed by order of the court and expeditiously
 4 complete the recount of all votes ordered recounted.

5 (b) The ~~petitioners~~ **petitioner** may designate a watcher to be present
 6 at the recount and may also be present in person. Representatives of the
 7 media may also attend the recount.

8 SECTION 33. IC 20-46-1-14, AS AMENDED BY P.L.113-2010,
 9 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 14. (a) The referendum shall be held in the next
 11 primary election, general election, or municipal election in which all
 12 the registered voters who are residents of the appellant school
 13 corporation are entitled to vote after certification of the question under
 14 IC 3-10-9-3. The certification of the question must occur not later than
 15 noon:

16 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
 17 the question is to be placed on the primary or municipal primary
 18 election ballot; or

19 (2) August 1 if the question is to be placed on the general or
 20 municipal election ballot.

21 However, if a primary election, general election, or municipal election
 22 will not be held during the first year in which the public question is
 23 eligible to be placed on the ballot under this chapter and if the
 24 appellant school corporation requests the public question to be placed
 25 on the ballot at a special election, the public question shall be placed
 26 on the ballot at a special election to be held on the first Tuesday after
 27 the first Monday in May or November of the year. The certification
 28 must occur not later than noon ~~sixty (60)~~ **seventy-four (74)** days before
 29 a special election to be held in May (if the special election is to be held
 30 in May) or noon on August 1 (if the special election is to be held in
 31 November).

32 (b) If the referendum is not conducted at a primary election, general
 33 election, or municipal election, the appellant school corporation in
 34 which the referendum is to be held shall pay all the costs of holding the
 35 referendum.

36 SECTION 34. IC 36-2-15-5, AS AMENDED BY P.L.146-2008,
 37 SECTION 693, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 5. (a) The
 39 county assessor shall perform the functions assigned by statute to the
 40 county assessor, including the following:

41 (1) Countywide equalization.

42 (2) Selection and maintenance of a countywide computer system.



(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(5) In:

(A) a township in which the transfer of duties of the elected township assessor is required by subsection (c); or

(B) a township in which the duties relating to the assessment of tangible property are not required to be performed by a township assessor elected under IC 36-6-5;

performance of the assessment duties prescribed by IC 6-1.1.

(b) A transfer of duties between assessors does not affect:

(1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or

(2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(c) If:

(1) for a particular general election after June 30, 2008, the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser; or

(2) for a particular general election after January 1, ~~2012~~, **2016**, the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser;

as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor if at a later election a person who has attained the required level of certification referred to in subdivision (1) or (2) is elected to the office of township assessor.

(d) If assessment duties in a township are transferred to the county assessor under subsection (c), the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor.

(e) A referendum shall be held under sections 7.4 through 11 of this chapter in each township in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000) to



determine whether to transfer to the county assessor the assessment duties prescribed by IC 6-1.1 that would otherwise be performed by the elected township assessor of the township.

SECTION 35. IC 36-4-1.5-2, AS AMENDED BY P.L.202-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A town may be changed into a city through the following:

(1) The town legislative body must adopt a resolution submitting to the town's voters the question of whether the town should be changed into a city. The town legislative body shall adopt a resolution described in this subdivision if at least the number of registered voters of the town equal to ten percent (10%) of the total votes cast in the town at the last election for secretary of state sign a petition requesting the town legislative body to adopt such a resolution. In determining the number of signatures required under this subdivision, any fraction that exceeds a whole number shall be disregarded.

(2) The town legislative body must adopt the resolution under subdivision (1) not later than thirty (30) days after the date on which a petition having a sufficient number of signatures is filed. A resolution adopted under subdivision (1) must fix the date for an election on the question of whether the town should be changed into a city as follows:

(A) If the election is to be on the same date as a general election or municipal election:

(i) the resolution must state that fact and be certified in accordance with IC 3-10-9-3; and

(ii) the election must be held on the date of the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under ~~IC 3-10-9-3~~. **IC 3-10-9.**

(B) If the election is to be a special election, the date must be:

(i) not less than ~~thirty (30)~~ **seventy-four (74)** and not more than ~~sixty (60)~~ **one hundred four (104)** days after the notice of the election; and

(ii) not later than the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under ~~IC 3-10-9-3~~. **IC 3-10-9.**

(3) The town legislative body shall file a copy of the resolution adopted under subdivision (1) with the circuit court clerk of each county in which the town is located. The circuit court clerk shall immediately certify the resolution to the county election board.



(4) The county election board shall give notice of the election in the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the election.

(5) The question described in subdivision (1) shall be placed on the ballot in the form prescribed by IC 3-10-9-4. The text of the question shall be: "Shall the town of _____ change into a city?"

(6) If a majority of the voters voting on the question described in subdivision (1) vote "yes", the town is changed into a city as provided in this chapter. If a majority of the voters voting on the question vote "no", the town remains a town.

SECTION 36. IC 36-5-1-8, AS AMENDED BY P.L.147-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The county executive may approve a petition for incorporation only if it finds all of the following:

(1) That the proposed town is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes.

(2) That the proposed town is reasonably compact and contiguous.

(3) That the proposed town includes enough territory to allow for reasonable growth in the foreseeable future.

(4) That a substantial majority of the property owners in the proposed town have agreed that at least six (6) of the following municipal services should be provided on an adequate basis:

(A) Police protection.

(B) Fire protection.

(C) Street construction, maintenance, and lighting.

(D) Sanitary sewers.

(E) Storm sewers.

(F) Health protection.

(G) Parks and recreation.

(H) Schools and education.

(I) Planning, zoning, and subdivision control.

(J) One (1) or more utility services.

(K) Stream pollution control or water conservation.

(5) That the proposed town could finance the proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation.

(6) That incorporation is in the best interest of the territory involved. This finding must include a consideration of:

(A) the expected growth and governmental needs of the area surrounding the proposed town;



- 1 (B) the extent to which another unit can more adequately and
- 2 economically provide essential services and functions; and
- 3 (C) the extent to which the incorporators are willing to enter
- 4 into agreements under IC 36-1-7 with the largest neighboring
- 5 municipality, if that municipality has proposed such
- 6 agreements.
- 7 (b) If the county executive determines that the petition satisfies the
- 8 requirements set forth in subsection (a), the county executive may do
- 9 any of the following:
- 10 (1) Adopt an ordinance under section 10.1 of this chapter
- 11 incorporating the town.
- 12 (2) Deny the petition.
- 13 (3) Adopt a resolution to place a public question concerning the
- 14 incorporation on the ballot at an election. The county executive
- 15 shall request a date for the election as follows:
- 16 (A) If the county executive requests the public question be on
- 17 the same date as a general election or primary election:
- 18 (i) the resolution must state that the election is to be on the
- 19 same date as a general or primary election, and must be
- 20 certified in accordance with IC 3-10-9-3; and
- 21 (ii) the election must be held on the date of the next general
- 22 election or primary election, whichever is earlier, at which
- 23 the question can be placed on the ballot under IC 3-10-9-3.
- 24 (B) If a petition contains a request for a special election, the
- 25 county executive may request that the public question
- 26 concerning the incorporation will be on the ballot of a special
- 27 election. An election may be considered a special election only
- 28 if it is conducted on a date other than the date of a general
- 29 election or primary election. The date of the special election
- 30 must be:
- 31 (i) at least ~~thirty (30)~~ **seventy-four (74)** and not more than
- 32 ~~sixty (60)~~ **one hundred four (104)** days after the notice of
- 33 the election is filed under IC 3-10-8-4; and
- 34 (ii) not later than the next general election or primary
- 35 election, whichever is earlier, at which the question can be
- 36 placed on the ballot under IC 3-10-9-3.
- 37 If the public question is on the ballot of a special election, the
- 38 petitioners shall pay the costs of holding the special election.
- 39 If the county executive adopts a resolution under this subdivision,
- 40 the county executive shall file the resolution and the petition with
- 41 the circuit court clerk of each county that contains any part of the
- 42 territory sought to be incorporated.



(c) After a resolution is filed with a circuit court clerk under subsection (b)(3), the circuit court clerk shall certify the resolution to the county election board. The county election board shall place the following public question on the ballot:

"Shall (insert a description of the territorial boundaries) be incorporated as a town?"

Only the registered voters residing within the territory of the proposed town may vote on the public question.

(d) Not earlier than sixty (60) days and not later than thirty (30) days before the election, the petitioners shall publish a notice in accordance with IC 5-3-1 in each county where the proposed town is located. The notice must include the following:

(1) A description of the boundaries of the proposed town and the quantity of land contained in the territory of the proposed town.

(2) The information provided under section 3(3) through 3(6) of this chapter.

(3) The name, telephone number, and electronic mail address (if available) of the contact person for the petitioners.

(4) A statement that the petition is available for inspection and copying in the office of the circuit court clerk of each county where the proposed town is located.

The petitioners shall submit proof of publication of the notice to the circuit court clerk of each county in which the proposed town is located. A defect in the form of the notice does not invalidate the petition.

(e) If a majority of the voters residing within the territory of the proposed town:

(1) vote "no" on the public question, the territory is not incorporated as a town, and a new petition for incorporation may not be filed within the period set forth in section 9 of this chapter; or

(2) vote "yes" on the public question, the county executive of each county in which the proposed town is located shall adopt an ordinance under section 10.1 of this chapter.

(f) The circuit court clerk shall certify the results of a public question under this section to the following:

(1) The county executive of each county in which the proposed incorporated territory is located.

(2) The county auditor of each county in which the proposed incorporated territory is located.

(3) The department of local government finance.

(4) The department of state revenue.



- 1 (5) The state board of accounts.
- 2 **(6) The office of the secretary of state.**
- 3 **(7) The office of census data established by IC 2-5-1.1-12.2.**
- 4 **SECTION 37. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1318, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 9. IC 3-8-1-23.6, AS ADDED BY P.L.146-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 23.6. (a) A ~~person who runs in an election after June 30, 2008;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who runs in an election after June 30, 2008,** must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) A ~~person who runs in an election after January 1, 2012;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who:**

(1) did not hold the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) **A candidate for the office of township assessor under IC 36-6-5-1 who:**

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office."

Page 7, line 38, strike "(b)(2):" and insert "(c)(4):".

Page 10, line 28, delete "Except for a de minimis change identified as provided in".

Page 10, line 29, delete "subsection (d),".

Page 10, line 29, delete "the" and insert "The".

Page 10, line 36, after "and" insert **"the results of the testing by the independent laboratory under subsection (c) and"**.

Page 10, line 42, after "change" insert **"or a modification;"**.

Page 11, line 1, delete "that", begin a new line block indented and insert:

"(3) if the proposed improvement or change is a modification, whether the modification".

Page 11, line 4, delete "(3)" and insert **"(4)"**.

Page 11, line 22, delete "Except for a de minimis change identified as provided in".



Page 11, line 23, delete "subsection (d),".

Page 11, line 23, delete "the" and insert "The".

Page 11, line 30, after "and" insert **"the results of the testing by the independent laboratory under subsection (c) and"**.

Page 11, line 35, after "change" insert **"or a modification;"**.

Page 11, line 36, delete "that", begin a new line block indented and insert:

"(3) if the proposed improvement or change is a modification, whether the modification".

Page 11, line 39, delete "(3)" and insert **"(4)"**.

Page 20, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 34. IC 36-2-15-5, AS AMENDED BY P.L.146-2008, SECTION 693, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.
- (3) Certification of gross assessments to the county auditor.
- (4) Discovery of omitted property.
- (5) In:

(A) a township in which the transfer of duties of the elected township assessor is required by subsection (c); or

(B) a township in which the duties relating to the assessment of tangible property are not required to be performed by a township assessor elected under IC 36-6-5;

performance of the assessment duties prescribed by IC 6-1.1.

(b) A transfer of duties between assessors does not affect:

- (1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or
- (2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(c) If:

- (1) for a particular general election after June 30, 2008, the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser; or
- (2) for a particular general election after January 1, ~~2012~~, **2016**,



the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser; as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor if at a later election a person who has attained the required level of certification referred to in subdivision (1) or (2) is elected to the office of township assessor.

(d) If assessment duties in a township are transferred to the county assessor under subsection (c), the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor.

(e) A referendum shall be held under sections 7.4 through 11 of this chapter in each township in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000) to determine whether to transfer to the county assessor the assessment duties prescribed by IC 6-1.1 that would otherwise be performed by the elected township assessor of the township."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1318 as introduced.)

SMITH M, Chair

Committee Vote: yeas 8, nays 0.

